

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

BERNARD KIDD §
VS. § CIVIL ACTION NO. 1:13-CV-170
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION REGARDING VENUE

Petitioner, Bernard Kidd, a prisoner currently confined at the Larry Gist Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The above-styled action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Petitioner states he is challenging a 2012 conviction for aggravated robbery in the 145th District Court of Nacogdoches County, Texas.

Petitioner filed this petition for writ of habeas corpus in the district in which he was convicted. Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district in which he was convicted or the district in which he is incarcerated. Accordingly, this court has jurisdiction over this petition.

However, while Nacogdoches County is located within the Eastern District of Texas, it is in the Lufkin Division, rather than the Beaumont Division of the Eastern District of Texas. As a

result, this case should be transferred to the Lufkin Division of this court. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this 15th day of October, 2013.



Zack Hawthorn
United States Magistrate Judge